

**ORDINANCE NO. 2012-002****AN ORDINANCE AMENDING AN ORDINANCE CALLED A  
COMPREHENSIVE ORDINANCE RELATED TO THE CITY OF  
SIMPSONVILLE SANITARY SEWER COLLECTION AND TREATMENT  
SYSTEM AND OPERATION AND MANAGEMENT THEREOF**

Whereas, the City of Simpsonville, Kentucky has operated, managed and maintained a sanitary sewer collection and treatment system since 1981 and the day to day operations of said system are currently managed by a sewer board; and,

Whereas the Simpsonville City Commission has determined that it is in the best interest to disband said sewer board and to resume direct management by the City Commission;

Now, therefore be it ordained by the City Commission of the City of Simpsonville, Kentucky that Ordinance No. 2009-006 and called a Comprehensive Ordinance Related to the City of Simpsonville Sanitary Sewer Collection and Treatment System and Operation and Management Thereof be and is hereby amended as follows:

- 1.) That the City of Simpsonville Sewer Board as established by Section II of the aforementioned ordinance is hereby disbanded.
- 2.) That the following language be and hereby is deleted:

**Section II.     MANAGEMENT AND CONTROL BY SEWER BOARD-CITY COMMISSION**

~~A. That the management of the Simpsonville Municipal Sewer System shall be carried on by a Sewer Board created, appointed, and performing the functions as hereinafter provided.~~

~~B. The Sewer Board shall consist of three members. The Mayor, by and with the approval of the Simpsonville City Commission, by resolution duly adopted and recorded in its minutes shall appoint three persons to serve as Sewer Board members. Each of said persons shall either reside in or be full time employed in the City, or own real estate within the corporate limits of the City and shall be at least 25 years of age. One of said three members shall be a City Commissioner for the City of Simpsonville, Kentucky.~~

~~In addition to said three members, the Mayor of the City of Simpsonville, Kentucky and the remaining three members of the Simpsonville City Commission shall serve as ex-officio members who shall have no right to vote and who shall not be included in determining whether a quorum exists.~~

~~C. Each member of said Sewer Board shall be appointed for a term of three years. Members now serving shall each respectively serve the remainder of their three-year term which terms are now established so as to expire in successive years. Any member shall be eligible for reappointment upon the expirations of his or her term. At the expiration of each term, that sewer board member shall continue to have authority to vote and shall be considered a de-facto member until that member is either reappointed or~~

replaced. Sewer board members shall be selected by the Mayor of the City of Simpsonville subject to approval of the Simpsonville City Commission. The Sewer Board may submit recommendations to the Mayor for appointment to fill any vacancy but which shall not be binding upon the Mayor or City Commission. If a vacancy occurs prior to the expiration of a term, then the appointment shall be for the unexpired term of the member being replaced.

~~———— D. ——— At the first meeting of the sewer board following July 1 each year, it shall organize by designation of one of the members to act as chairman and another to act as vice chairman. The chairman, or in the absence of the chairman, the vice chairman shall preside at all meetings. Provisions shall be made for holding not less than one regular meeting each month. With the approval of the Simpsonville City Commission, the sewer board may establish as many as two regular meetings per month. Special meetings may be called as required. Special meetings may be called by the chairman or by a majority of all other board members and shall be called in conformity with Kentucky statute. The city clerk/treasurer shall be custodian of the records of the proceedings of the board, which shall be made available for inspection as are other municipal records. Any appointed member of the sewer board failing to attend three successive meetings without cause acceptable to and approved by the sewer board shall be thereby automatically removed from office and the vacancy shall be filled as herein above provided. Sewer board members and the chairman of the sewer board shall each be compensated for their services. The compensation to be paid to the chairman of the sewer board shall not exceed \$500.00 per month nor be less than \$200.00 per month and the compensation to be paid to board members shall not exceed \$300.00 per month nor be less than \$100.00 per month. The rate of compensation within said ranges may be modified by the Simpsonville City Commission by resolution duly adopted and recorded and without amendment of this ordinance. Provided, the maximum and minimum compensation may be modified only by ordinance. In addition to the foregoing, an annual cost of living increase shall be automatically in effect based on the cost of living index as established by the Commonwealth of Kentucky and which is applicable to other city officers.~~

~~———— E. ——— The Sewer Board shall supervise and manage said sewer system including, but not limited to administration, maintenance, and operation thereof. All employment by the Sewer Board shall occur only after approval of the City Commission. The City Administrator or a designee from the City Commission shall review and evaluate all personnel working for the sewer board and any violation of the personnel policy or other job related problems. The City Administrator or the designee from the City Commission may request a review of any sewer board employee issues with a joint committee consisting of the Mayor, the Sewer Board Chairman and the City Administrator and/or City Commission designee. This committee shall review said issues and make recommendations to the City Commission. However, all sewer board employees shall be subject to city ordinances related to employee conduct, rights, and discipline.~~

~~———— All bills for services rendered by the sewer system shall be collected and accounted for by the City Clerk / Treasurer in the manner and form required by law. He/she shall cause said funds to be deposited in a bank and be withdrawn on checks signed by two persons. Authorized signatures on said checks shall be limited to the Mayor, City Administrator, Chairman of the Sewer Board, City Clerk / Treasurer and one City Commissioner as designated by the Mayor and approved by the City Commission.~~

~~\_\_\_\_\_ The Sewer Board shall have the responsibility of reviewing contracts and making recommendations thereon to the city commission, which shall have ultimate responsibility for approval or disapproval thereof. Provided nothing herein shall prevent the Sewer Board from engaging in ordinary day to day operations and approving expenditures within the approved budget.~~

~~\_\_\_\_\_ F. \_\_\_\_\_ The Municipal Sewer System shall be operated on a fiscal year basis, commencing each year on the first day of July, and ending June 30 of the following year. At least ninety (90) days prior to the beginning of each fiscal year the Sewer Board shall cause to be prepared and recommended a detailed budget of the estimated amounts of money to be received in connection with the operation of said System and the necessary expenditures in connection therewith for the next ensuing fiscal year, a copy to be presented to the City Commission for approval which shall be filed with the City Administrator. Expenditures from the approved budget of the sewer board may be made at the Sewer Board's direction but subject to verification with the City Administrator or City Clerk/Treasurer as to the availability of funds.~~

~~\_\_\_\_\_ G. \_\_\_\_\_ The Sewer Board shall perform any and all covenants and agreements contained in any contract or obligation between the City and the holder of any revenue bonds secured by the revenues of such system, to the full extent permitted by law.~~

~~\_\_\_\_\_ H. \_\_\_\_\_ The Sewer Board shall have such authority as is necessary to carry out the management and administration of the sewer system subject to the terms hereof.~~

~~\_\_\_\_\_ I. \_\_\_\_\_ The accounts of the Sewer System and the records of said Sewer Board shall be audited by a Certified Public Accountant each year and a report of such audit shall be filed with the Simpsonville City Commission. The expenses of preparing such annual audit shall be charged to the operation of said Sewer System.~~

~~\_\_\_\_\_ J. \_\_\_\_\_ A majority of said Sewer Board shall constitute a quorum for the transaction of business, but the affirmative vote of two members shall be necessary for the adoption of any motion, resolution, order, or the approval of any matter under consideration.~~

A. K. \_\_\_\_\_ All rates for sewer services as well as charges for hookups, capacity charges and other related fees shall be as are established by city ordinance.

B. L. \_\_\_\_\_ The City Commission, acting by and through it's City Administrator and/or City Clerk/Treasurer shall enforce the regular and prompt collection of revenues due from patrons for the sewer services and are specifically authorized and directed to invoke the provisions of the agreement with the West Shelby Water District so that the water service of any patron who fails to pay the account due for sewer service will be disconnected; and to fix a reasonable charge for restoration of service, as determined by the Sewer Board.

C. M. \_\_\_\_\_ Within ninety days of the end of each fiscal year, the City Clerk / Treasurer shall cause to be paid to the City from sewer board revenues a sum not to exceed ten (10) percent of the gross revenues collected by the sewer board for the prior fiscal year. The actual amount shall be as decided by the Simpsonville City Commission. Said percentage shall be of gross revenues for sewer service only and shall not include tap on or capacity charges.

- 3.) All duties previously assigned to the sewer board pursuant to the aforementioned ordinance are hereby assumed by the City of Simpsonville City Commission. Any reference to an act, responsibility, administrative function or otherwise in said ordinance to the "sewer board" shall henceforth be a function of the City Commission.
- 4.) All provisions of the aforementioned ordinance not specifically modified hereby remain in full force and effect.
- 5.) This ordinance shall be effective on the 30<sup>th</sup> day of June, 2012.

**DONE THIS THE 06 DAY OF MARCH, 2012**



**STEVE EDEN, MAYOR**

**ATTEST:**

  
**DEBBIE BATLINER, CITY CLERK**

Date of 1st reading: 02/15/2012

Date of 2<sup>nd</sup> reading: 03/06/2012

Date of Publication: \_\_\_\_\_

**SUMMARY OF ORDINANCE  
NO. 2012-002**

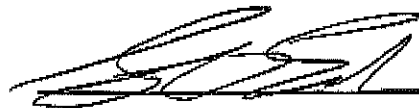
**AN ORDINANCE AMENDEING AN ORDINANCE CALLED  
A COMPREHENSIVE ORDINACE RELATED TO THE CITY OF  
SIMPSONVILLE SANITARY SEWER COLLECTION AND TREATMENT  
SYSTEM AND OPERATION AND MANAGEMENT THEREOF**

Be it hereby ordained by the City Commission of the City of Simpsonville, Kentucky that Ordinance No. 2009-002 and called **A Comprehensive Ordinance Related to the City of Simpsonville Sanitary Sewer Collection and Treatment System and Operation and Management Thereof** be and hereby is amended so as to disband the currently existing City of Simpsonville Sewer Board and assign the duties thereof to the Simpsonville City Commission.

The full text of this Ordinance may be reviewed at the office of the City Clerk, 108 Veechdale Road, Simpsonville, Ky 40067.

This Summary of Ordinance was prepared by William H. Brammell, Sr., Attorney.

**DONE THIS 6<sup>th</sup> DAY OF March, 2012.**



**STEVE EDEN, MAYOR**

**ATTEST:**



**DEBBIE BATLINER, CITY CLERK**

Date of 1<sup>st</sup> reading: February 15, 2012

Date of 2<sup>nd</sup> reading: March 6, 2012

Date of Publication: \_\_\_\_\_

**SIMP.SUMMARY**